

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aiyanna Milligan	Team: Squad #6	CCRB Case #: 201608875	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/20/2016 11:00 PM	Location of Incident: 41st Precinct stationhouse and § 87(2)(b)	Precinct: 41	18 Mo. SOL 4/20/2018	EO SOL 4/20/2018	
Date/Time CV Reported Sat, 10/22/2016 5:19 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 10/22/2016 5:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Keith Beddows	01147	934466	041 PCT
2. An officer			041 PCT
3. Officers			041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Keith Beddows	Abuse: Sergeant Keith Beddows entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.SGT Keith Beddows	Abuse: At § 87(2)(b) in the Bronx, Sergeant Keith Beddows threatened to notify Administration for Children's Services.	§ 87(2)(b)
C. Officers	Abuse: At the 41st Precinct Stationhouse, officers detained § 87(2)(b)	§ 87(2)(b)
D. An officer	Abuse: At the 41st Precinct station house, an officer seized § 87(2)(b)'s cellphone.	§ 87(2)(b)
E. An officer	Abuse: At the 41st Precinct Stationhouse, an officer threatened to notify Administration for Children's Services.	§ 87(2)(b)

### Case Summary

This case is over ninety days old given that it was closed as complainant uncooperative on December 9, 2016. It was subsequently reopened on January 25, 2017, though the complainant, § 87(2)(b) did not provide a verified statement until February 27, 2017.

On October 22, 2016, § 87(2)(b) filed this complaint with the CCRB via the call processing system on behalf of himself and his mother, § 87(2)(b).

On October 20, 2016, at approximately 9:30pm, § 87(2)(b) received a text message from his girlfriend, § 87(2)(b) while he was at his apartment, located at § 87(2)(b) in the Bronx. The text message stated that she was about to be stopped by police officers. § 87(2)(b) replied to § 87(2)(b) but he never received a response.

At approximately 11pm, § 87(2)(b) walked to the 41<sup>st</sup> Precinct Stationhouse, at which time he confirmed that § 87(2)(b) was in custody. § 87(2)(b) waited at the stationhouse for two hours for additional information, before he received a phone call from § 87(2)(b) who stated that officers, including Sgt. Keith Beddows, of the Bronx Robbery Squad who was working out of the 41<sup>st</sup> Precinct on this date, were present at their apartment. § 87(2)(b) later learned from § 87(2)(b) that after she declined to provide Sgt. Beddows permission to enter her apartment, he placed his foot in the doorway and refused to remove it, thus preventing her from closing her door (**Allegation A**). Sgt. Beddows also threatened to notify ACS if § 87(2)(b) did not permit him to enter and search the residence for a firearm (**Allegation B**).

While on the phone, a plainclothes officer, PO1, approached § 87(2)(b) and instructed him to get off his phone. § 87(2)(b) replied that he would step outside, but PO1 told him no and instructed § 87(2)(b) to sit (**Allegation C**). § 87(2)(b) complied, but after numerous missed calls from § 87(2)(b) he answered his cellphone. PO1 removed § 87(2)(b)'s phone from his hand, placed it on a table, and stated that § 87(2)(b) was told to stay off his phone (**Allegation D**).

§ 87(2)(b) remained at the stationhouse and approximately 20 minutes later, another plainclothes officer, PO2, approached him. PO2 informed § 87(2)(b) that he knew a firearm was in § 87(2)(b)'s bedroom and offered him a consent to search form. When § 87(2)(b) refused to sign the form, PO2 threatened to notify ACS in regards to § 87(2)(b)'s niece, who resided in the home (**Allegation E**). § 87(2)(b) did not sign the form. After approximately one hour, PO2 gave § 87(2)(b) permission to leave (within **Allegation C**). § 87(2)(b) was neither arrested nor issued a summons.

Video footage of a portion of the incident that took place at the apartment was captured by § 87(2)(b) using her cellphone and provided to the investigation by § 87(2)(b). The video file can be found below and is embedded in IA 241 (BR 19).



201608875\_20170710\_0818\_DM.mp4

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) was the only cooperative complainant/victim in this case. Mediation was deemed unsuitable due to the involvement of unidentified officers.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- As of June 14, 2017, there were negative results for any notice of claim filed for this incident (BR 02).

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s fifth complaint with the CCRB, § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- Sgt. Beddows has been a member of the NYPD for 13 years and has had 16 other allegations pleaded against him in 9 cases. § 87(2)(g)  
[REDACTED] none of them were substantiated (BR 04).

### Potential Issues

- On January 24, 2017, an attempt to contact § 87(2)(b) via phone was made, at § 87(2)(b)'s cellphone number, and a message was left for her with § 87(2)(b)'s niece. On January 25, 2017, § 87(2)(b) was contacted via phone, at her cellphone number, at which time she provided a phone statement and confirmed that she recorded a portion of the incident using her cellphone. Between January 31, 2017 and February 9, 2017, four additional calls were placed to § 87(2)(b)'s cellphone, and on each occasion, there was no answer and a voicemail was left. Between February 7, 2017 and February 16, 2017, four additional calls were placed to § 87(2)(b)'s cellphone, to attempt to reach § 87(2)(b) or § 87(2)(b) and on each occasion a voicemail was unable to be left due to service restriction or an inability to receive incoming calls. Between February 13, 2017 and February 21, 2017, two please call letters were sent via mail to § 87(2)(b) and neither one was returned to the CCRB via the U.S. Postal Service. On February 16, 2017, NYC Department of Correction searches revealed that neither § 87(2)(b) nor § 87(2)(b) were incarcerated. § 87(2)(b) was scheduled for an interview on February 21, 2017 and asked to bring § 87(2)(b). On that day, § 87(2)(b) failed to appear and when he was ultimately interviewed on February 27, 2017, § 87(2)(b) did not accompany him.
- On July 20, 2017, an attempt to contact § 87(2)(b) via phone was made, at a cellphone number provided by § 87(2)(b). There was no answer and a voicemail was unable to be left, but an SMS notification of the call was sent to § 87(2)(b). On that same day § 87(2)(b) contacted the CCRB, at which time she was unable to provide a phone statement but noted she was available the next afternoon. Between July 21, 2017 and July 25, 2017, two additional phone calls were placed to § 87(2)(b). On each occasion there was no answer and a voicemail was left. On July 27, 2017, § 87(2)(b) was contacted via phone, but she could not speak at the time and stated she would call back in ten minutes. Twenty minutes later a fifth call was placed to § 87(2)(b) at which time there was no answer and a

voicemail was unable to be left, but an SMS notification of the call was sent to § 87(2)(b). On August 1, 2017, § 87(2)(b) was contacted via phone, at which time she stated that she could not speak at the time but noted she was available that afternoon. On that same day, § 87(2)(b) was contacted at which time she provided a phone statement, and was scheduled for an interview and photo viewing on August 9, 2017. On August 7, 2017, § 87(2)(b) was sent an automated text message reminding her of her interview appointment. On August 9, 2017, § 87(2)(b) did not appear for her interview and did not contact the CCRB ahead of time to cancel or reschedule. On August 10, 2017, an attempt to contact § 87(2)(b) via phone was made, at which time there was no answer and a voicemail was left. On August 16, 2017, § 87(2)(b) was contacted via phone, at which time she stated that she forgot about her interview appointment and could not speak at the time, but agreed to call back. Between August 14, 2017 and August 18, 2017, two please call text messages were sent to § 87(2)(b). On August 21, 2017, an eleventh call was placed to § 87(2)(b) at which time there was no answer and a voicemail was left.

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- A cross-reference of the Third and First Platoon Roll Calls with a list of black and Hispanic males assigned to the 41<sup>st</sup> Precinct and its Detective Squad and the Member of Service photo terminal identified approximately 14 male officers who could have been working in plainclothes. In addition, the incident took place during a tour change, § 87(2)(g)  
§ 87(2)(b)
- § 87(2)(b) described PO1, the officer that instructed him to remain inside of the stationhouse and removed his cellphone from him, as a black, or Hispanic, male, in his thirties, with a medium build, black facial hair, close-cropped, black hair, and a medium complexion, standing approximately 5'3" to 5'8" tall who wore plainclothes (BR 05). § 87(2)(g)  
§ 87(2)(b)
- § 87(2)(b) described PO2, the officer who threatened to notify ACS if he did not provide consent to search his apartment, referred to a search warrant executed at § 87(2)(b)'s apartment in March of 2016, and permitted him to leave, as a fat, Hispanic male, in his forties, with a light complexion, spiky, black hair, and facial hair, standing approximately 6'0" tall who wore plainclothes and resembled record producer, DJ Khaled. § 87(2)(g)  
§ 87(2)(b)
- According to the 41<sup>st</sup> Precinct Command Log, Sgt. Kristina Dieterich and Sgt. Azad Mahmood were the 3<sup>rd</sup> Platoon and 1<sup>st</sup> Platoon desk sergeants on duty, respectively, while § 87(2)(b) was present at the stationhouse (BR 06). Neither Sgt. Dieterich nor Sgt. Mahmood witnessed or had knowledge of § 87(2)(b)'s alleged detainment and the subsequent allegations (BR 07 and BR 08).
- § 87(2)(b) stated upon his arrival, he was assisted by a young, skinny, black female, with shoulder-length, black hair and a dark complexion at the desk as well as another black female who asked if he was being helped. PO Macquetta Willoughby, who was

assigned as the T/S Operator and to the 124 Room during the Third Platoon, testified that she witnessed or had knowledge of these allegations (BR 09).

- The 41<sup>st</sup> Precinct Interrupted Patrol Log noted two pairs of officers who returned to the stationhouse around the time of the incident. However, both pairs of officers were assigned to sectors, uniformed assignments. § 87(2)(g)
- On June 22, 2017, § 87(2)(b) viewed 11 single photos, which included 4 fillers and 7 potential subject officers, at the CCRB. § 87(2)(b) identified PO Diggs as the officer he observed escort § 87(2)(b) to the restroom, while he sat in the stationhouse, but § 87(2)(b) had no complaint of misconduct regarding her and offered no subject officer identifications during the photo viewing. On July 31, 2017, § 87(2)(b) viewed 12 additional single photos, which included 6 fillers and 6 potential subject officers, at the CCRB. § 87(2)(b) offered no subject officer identifications during the photo viewing, but noted that PO Jose Reyes of the 41<sup>st</sup> Precinct bore a resemblance to PO1.
- PO Reyes was listed on the Exceptions Page of the Third Platoon Roll Call due to court. A follow-up call to 41<sup>st</sup> Precinct's Roll Call confirmed that he was scheduled to work the Second Platoon on October 20, 2016.
- Incident File Report Number § 87(2)(b) corresponds to a search warrant executed on March 8, 2016 at § 87(2)(b) in the Bronx, § 87(2)(b)'s address (BR 17). The Requesting Officer is listed as Det. Derrick Edouard, who was assigned to the 41<sup>st</sup> Precinct at the time. The Supervising Officer is listed as Sgt. Beddows, whose shield number is "0-1-1-4-7" (BR 11). Sgt. Beddows testified that he did not recall whether he interacted with § 87(2)(b) and he did not witness or have any knowledge of § 87(2)(b)'s alleged detainment and the subsequent allegations (BR 12).
- According to the Third Platoon 41<sup>st</sup> Precinct Roll Call from October 20, 2016, PO Diggs was assigned to Conditions, specifically neighborhood coordination officers, and partnered with PO Melvin Payamps (BR 13). Det. Edouard was also listed on the roll call and assigned as an assistant intelligence officer. Neither PO Payamps nor Det. Edouard testified that they witnessed or had knowledge of § 87(2)(b)'s alleged detainment and the subsequent allegations (BR 14 and BR 15).
- A search of the NYPD's Booking, Arraignment, and Disposition System confirmed that § 87(2)(b) was arrested on March 8, 2016 at § 87(2)(b) (BR 16).
- According to § 87(2)(b)'s phone statement obtained on August 1, 2017, at some point she learned that § 87(2)(b) was at the 41<sup>st</sup> Precinct Stationhouse, but she was told that she could not speak to him. When § 87(2)(b) was escorted to the bathroom by PO Diggs, she heard an officer [who was sitting on the desk next to the stationhouse entrance] instruct § 87(2)(b) to put his phone away. § 87(2)(b) recognized this officer, who she believed was a detective, from a previous incident. § 87(2)(b) heard § 87(2)(b) ask why he was being detained. § 87(2)(b) did answer his phone at one point and PO Diggs took the phone and terminated the call (BR 32).

**Allegation A - Abuse of Authority: Sergeant Keith Beddows entered § 87(2)(b) in the Bronx.**

§ 87(2)(g)

§ 87(2)(b) who provided a statement on February 27, 2017, testified that as he waited in the stationhouse, he received a phone call from § 87(2)(b) at which time she informed him that there were police officers, identified as Sgt. Beddows and two other unidentified officers, at their apartment who informed her that § 87(2)(b) was under arrest at the precinct stationhouse with § 87(2)(b) and he gave them permission to enter the apartment and retrieve a firearm that was located inside of § 87(2)(b)'s room. § 87(2)(b) told § 87(2)(b) that he was not under arrest and had not provided consent to enter the residence. § 87(2)(b) was then instructed to get off the phone by an officer. When § 87(2)(b) later returned home from the stationhouse, there were no officers present. § 87(2)(b) learned from § 87(2)(b) that when § 87(2)(b) did not give the officers permission to enter the apartment, Sgt. Beddows stuck his foot in the doorway and refused to remove it so she could close her door (BR 05).

According to § 87(2)(b)'s phone statement, obtained on August 1, 2017, she was home with § 87(2)(b) and § 87(2)(b)'s baby, watching television, when she heard a knock on the front door of her apartment. § 87(2)(b) answered the door as § 87(2)(b) stepped into the bathroom. As § 87(2)(b) stuck her head out and asked § 87(2)(b) who it was, she observed Sgt. Beddows standing at the door. Sgt. Beddows was accompanied by another officer. Sgt. Beddows informed § 87(2)(b) that § 87(2)(b) was detained at the stationhouse and he provided permission to enter the apartment. Sgt. Beddows also asked § 87(2)(b) to sign a form that would allow him to enter the premises. § 87(2)(b) declined and stated she wanted to speak to § 87(2)(b) which Sgt. Beddows did not permit. § 87(2)(b) contacted § 87(2)(b) via phone, at which time he told § 87(2)(b) that he was told he cannot be on his phone inside of the stationhouse. § 87(2)(b) suggested that he step outside and told § 87(2)(b) that officers were at their home, but the call ended. § 87(2)(b) later learned from § 87(2)(b) that his phone was taken from him and he was asked to sit and wait. § 87(2)(b) asked Sgt. Beddows to allow her to close her door and make a phone call. Sgt. Beddows replied that he could not do that, stuck his foot in the door, and would not allow the door to close. § 87(2)(b) repeatedly asked Sgt. Beddows to remove his foot, but he did not comply. § 87(2)(b) later learned from Sgt. Beddows that he wanted to search the residence for a firearm.

§ 87(2)(b) proceeded to call 911 to tell them about the incident and Sgt. Beddows then called for assistance. The officer that accompanied Sgt. Beddows left the scene and when that officer returned, he stated that he got the paper signed. When § 87(2)(b) read the document, she noticed that it was signed by § 87(2)(b) who Sgt. Beddows insisted could give him permission to enter. § 87(2)(b) acknowledged that § 87(2)(b) was § 87(2)(b) girlfriend, and did spend a lot of time at the apartment, but maintained that she did not live there and had her own apartment. § 87(2)(b) began to record Sgt. Beddows in the middle of the incident. § 87(2)(b) approximated Sgt. Beddows remained on scene for an additional 1.5 hours after her call to 911, and had his foot in her doorway for an estimated 2.5 to 3 hours (BR 18).

According to § 87(2)(b)'s phone statement, obtained on August 1, 2017, she was arrested and brought to the 41<sup>st</sup> Precinct Stationhouse. Approximately three officers, two of which were identified via investigation as PO Ashley Diggs and Sgt. Keith Beddows, spoke to her in a room regarding a firearm that they needed and a search warrant that was executed in March of 2016 at her apartment at the time, which was located at § 87(2)(b) in the Bronx, at which time she was arrested. § 87(2)(b) described the third, unidentified officer as a short, Hispanic male with a heavy build who identified himself as a detective, and she did not recognize him as a

participant in the search warrant execution. During this time, § 87(2)(b) was questioned about § 87(2)(b) and other individuals. The officers also said that they were trying to get a paper signed to go into the house, identified via investigation as § 87(2)(b), because they were told that the handgun was there. § 87(2)(b) informed them that she could not give them consent to search because it was § 87(2)(b)'s home and not hers, as she had her own address. § 87(2)(b) later learned that Sgt. Beddows went to § 87(2)(b) and placed his foot in the door. § 87(2)(b) believed that it was during this time that the unidentified officer returned and had her sign a form, however the form did not say that it would provide consent to search (BR 32).

Sgt. Beddows provided a statement at the CCRB on May 16, 2017. He stated that after § 87(2)(b)'s arrest he debriefed her at the 41<sup>st</sup> Precinct Stationhouse on the incident date. Sgt. Beddows had interacted with § 87(2)(b) on a previous occasion, when a search warrant was executed at § 87(2)(b) in March 2016 at which time she was arrested. During this debriefing, § 87(2)(b) informed Sgt. Beddows that she resided at § 87(2)(b), and her boyfriend, § 87(2)(b) had a firearm inside of it. Sgt. Beddows obtained written consent to search from § 87(2)(b) to search § 87(2)(b) residence.

Upon his arrival, § 87(2)(b) answered the door and Sgt. Beddows asked her whether she was the owner. § 87(2)(b) informed Sgt. Beddows that the owner of the apartment was § 87(2)(b). When § 87(2)(b) approached the door, Sgt. Beddows informed her that he had a consent to search form from § 87(2)(b) but she replied that § 87(2)(b) did not reside at the apartment. Sgt. Beddows told § 87(2)(b) that § 87(2)(b) stated that she has lived there for quite some time with § 87(2)(b) but she reiterated that § 87(2)(b) did not live there. Sgt. Beddows asked § 87(2)(b) if she had a copy of the lease. § 87(2)(b) showed Sgt. Beddows a lease, in which § 87(2)(b) was not listed. Sgt. Beddows called the management company to ensure that the copy of the lease was current, but no one answered. Sgt. Beddows returned the lease to § 87(2)(b) and left the location after an unknown amount of time.

Sgt. Beddows maintained that while at the location, he remained in the hallway and did not enter § 87(2)(b)'s apartment. Sgt. Beddows stated that no part of his body crossed the threshold into § 87(2)(b)'s apartment, but noted that he had one of his feet "right by the door," in an unspecified location. Sgt. Beddows did not recall whether that foot breached the apartment's entrance. While on the scene, Sgt. Beddows explained to § 87(2)(b) that she had to leave the door open, as he was at the scene regarding a gun. This precaution was taken for Sgt. Beddows' safety, because if the door closed, then he would be unable to see what is occurring inside of the apartment and whether someone was approaching the door with a gun (BR 12).

A request for a copy of the Consent to Search form signed by § 87(2)(b) yielded negative results from the 41<sup>st</sup> Precinct (BR 28). Follow-up requests made to the 41<sup>st</sup> Precinct Detective Squad and the Bronx Robbery Squad yielded negative results (BR 29 and BR 30).

The 41<sup>st</sup> Precinct Command Log notes § 87(2)(b)'s arrest in an entry made at 9:50 PM on October 20, 2016. PO Ashley Diggs of the 41<sup>st</sup> Precinct is listed as § 87(2)(b)'s arresting officer and the entry also notes that § 87(2)(b)'s address is § 87(2)(b) (BR 06).

Video footage depicts § 87(2)(b) leaning on a wall near the door's frame and appears to be using her right foot to prevent the door from being open at a greater, acute angle. Beginning at the 1:24 minute mark, Sgt. Beddows can be seen standing with, at a minimum, his left leg, left arm, and left shoulder beyond the apartment's threshold (BR 19 and BR 20).



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Event Number § 87(2)(b) was created at 12:05 AM on October 21, 2016 and closed as “Non crime corrected” at 1:02 AM. The caller information corresponds to § 87(2)(b) s contact information and the system comments remark that a female caller states that there is an officer at her location, § 87(2)(b) who is refusing to leave and blocking her from closing her door by having his foot there. The caller went on to disclose that the officer wants to enter her apartment to get something from inside, but she is not allowing him to enter, and he informed her that he has her son under arrest at the 41<sup>st</sup> Precinct Stationhouse (BR 21).

The Event CD that corresponds to Event Number § 87(2)(b) is consistent with the remarks noted in the Event Information. The call was placed in the midst of the incident and § 87(2)(b) can be heard stating that the officer still has his foot in the door. When the operator asks § 87(2)(b) for the subject officer’s shield, in the background of the audio, a male voice remarks that “1-1-4-7” is his shield (BR 22 and BR 23).

The Fourth Amendment dictates that warrantless and nonconsensual entry into a home is unreasonable Payton v. New York, 445 U.S. 573 (1980) (BR 24). In the absence of exigent circumstances, police are not permitted to cross the “threshold” of a home’s doorway without a warrant People v. Gonzales, 111 A.D.3d 147 (2013) (BR 25). Patrol Guide Procedure 212-72 defines exigent circumstances as “circumstances requiring action before authorization otherwise necessary under these guidelines can reasonably be obtained” (BR 26). Any co-occupant who possesses the requisite degree of control and common authority over a premises can voluntarily consent to a warrantless search in the absence of other co-occupants without infringing upon any “reasonable expectation of privacy” People v. Cosme, 48 N.Y.2d 286 (1979) (BR 27). If a physically present co-inhabitant refuses to consent to a police search, then a warrantless search of a shared dwelling for evidence cannot be justified as reasonable, regardless of the consent provided by another co-inhabitant Georgia v. Randolph, 547 U.S. 193 (2006) (BR 31).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B - Abuse of Authority: At § 87(2)(b) in the Bronx, Sergeant Keith Beddows threatened to notify Administration for Children's Services.**

§ 87(2)(b) alleged that Sgt. Beddows threatened to notify ACS regarding her granddaughter, and informed § 87(2)(b) that she would lose her if she did not give him permission to enter her apartment and search for the alleged firearm.



Sgt. Beddows testified that he was aware there was a baby in the apartment, but denied mentioning any intent to notify ACS or threatening to do so if § 87(2)(b) did not provide consent for him to enter her apartment.

No such misconduct was portrayed in the investigation's video evidence.

§ 87(2)(g)

**Allegation C - Abuse of Authority: At the 41<sup>st</sup> Precinct Stationhouse, officers detained § 87(2)(b)**

**Allegation D - At the 41<sup>st</sup> Precinct Stationhouse, an officer seized § 87(2)(b)'s cellphone.**

**Allegation E - Abuse of Authority: At the 41<sup>st</sup> Precinct Stationhouse, an officer threatened to notify Administration for Children's Services.**

§ 87(2)(g)

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Squad: 6

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date